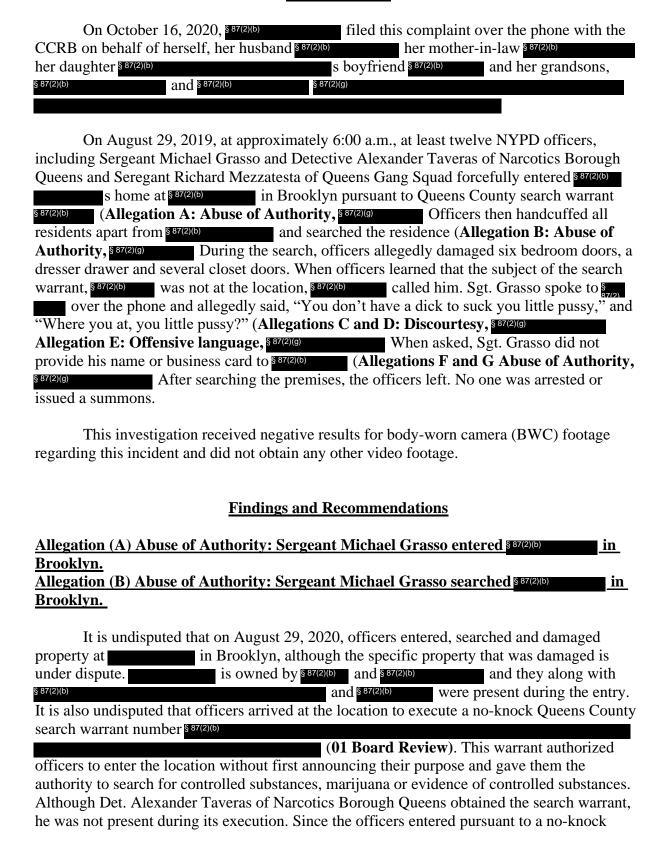
CCRB INVESTIGATIVE RECOMMENDATION

| Investigator: | | Team: | CCRB Case #: | | Force | $\overline{\mathbf{Q}}$ | Discourt. | U.S. |
|------------------------------|--|---|-------------------|----------|-----------|-------------------------|-------------|------------|
| Tileyah Williams | | Squad #3 | 201909014 | Ø | Abuse | $\overline{\checkmark}$ | O.L. | ☐ Injury |
| Incident Date(s) | | Location of Incident: | | F | Precinct: | 18 | Mo. SOL | EO SOL |
| Thursday, 08/29/2019 5:00 AM | | Inside of \$87(2)(b) | 1 | - | 75 | | /28/2021 | 10/15/2021 |
| Date/Time CV Reported | | CV Reported At: | How CV Reported: | <u> </u> | | | eived at CC | |
| Wed, 10/16/2019 11:06 AM | | CCRB | Phone | | | | 19 11:06 Al | |
| , | Т | | | | | | | |
| Complainant/Victim | Туре | Home Addre | ess | | | | | |
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| Subject Officer(s) | Shield | TaxID | Command | | | | | |
| 1. SGT Michael Grasso | 01677 | 938608 | NARCBQS | | | | | |
| Witness Officer(s) | Shield N | o Tax No | Cmd Name | | | | | |
| 1. SDS Richard Mezzatesta | 03513 | 930735 | GANG QS | | | | | |
| Officer(s) | Allegatio | on | | | Inve | estiga | ator Recor | nmendation |
| A.SGT Michael Grasso | Abuse: S | ergeant Michael Grasso | entered location. | | | | | |
| B.SGT Michael Grasso | Abuse: Sergeant Michael Grasso searched location. | | | | | | | |
| C.SGT Michael Grasso | Discourtesy: Sergeant Michael Grasso spoke discourteously to \$87(2)(b) | | | | | | | |
| D.SGT Michael Grasso | Discourtesy: Sergeant Michael Grasso spoke discourteously to \$87(2)(b) | | | | | | | |
| E.SGT Michael Grasso | Off. Language: Sergeant Michael Grasso made remarks to based upon the gender of \$87(2)(b) | | | | | | | |
| F.SGT Michael Grasso | Abuse: S § 87(2)(b) | ergeant Michael Grasso with a busine | failed to provide | | | | | |
| G.SGT Michael Grasso | Abuse: S | ergeant Michael Grasso | | nis n | ame | | | |

Case Summary



CCRB CTS – Confidential Page 1

search warrant, the damage to the two front doors is subsumed within the entry allegation and the damage to the dresser drawer, six bedroom doors and closet doors are subsumed within the search allegation.

In her testimony to the CCRB, \$37(2)(6) stated that after the officers forcefully entered and began searching the location, she could hear banging sounds throughout her home, which sounded like doors were being hit and broken \$37(2)(6) later saw that her two front doors and each bedroom door was damaged around the locks and that every closet door was broken and had cracks (**02 Board Review**).

In her verified statement, \$\frac{87(2)(0)}{2}\$ stated that once the officers left saw that the two front doors were damaged around the lock and it appeared that the officers had smashed into the door. She did not see any damage to any other doors around the home. She also saw that an antique dresser drawer in \$\frac{87(2)(0)}{2}\$ s room appeared to have been broken because it could not be closed correctly and one of the drawers had fallen apart and the corners were detached (03 Board Review). In a photo provided by \$\frac{87(2)(0)}{2}\$ the top drawer of a white dresser appears not fully closed in misalignment with the other drawers (04 Board Review). No other photos of the alleged property damage were provided to the investigation.

In his phone statement, [887(2)(b)] indicated that he did not remember if the officers damaged any property in his house but believed that they may have broken some doors in the house. At the time of his statement, any damages that resulted of the search had already been repaired (05 Board Review).

| The CCRB attempted to contact § 87(2)(b) | who remained unavailable (06 Board |
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| Review). § 87(2)(9), § 87(2)(b) | |
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Sgt. Grasso testified that he and other officers of his command executed a search warrant obtained by Det. Taveras. He was initially assigned to supervise the execution of the warrant but when he arrived at the location, he was assigned as rear security, while Captain Charles Campisi of the Queens Gang Squad supervised. He did not see how officers initially entered or searched the home because he stood outside. When Sgt. Grasso was informed that the location was secure, he entered the living room of the home and saw that the civilians were handcuffed and sitting in the living room. Sgt. Grasso that he did not enter any other rooms in the home. Sgt. Grasso knew that officers searched the home because they had a search warrant to do so, but he did not search the home and did not witness other officers doing so. He was not made aware of any property damage at the location (07 Board Review).

Sgt. Mezzatesta stated that the sole purpose of his arrival on the scene was to supervise his team in gaining entry to the location. He recalled that there were two front doors at the

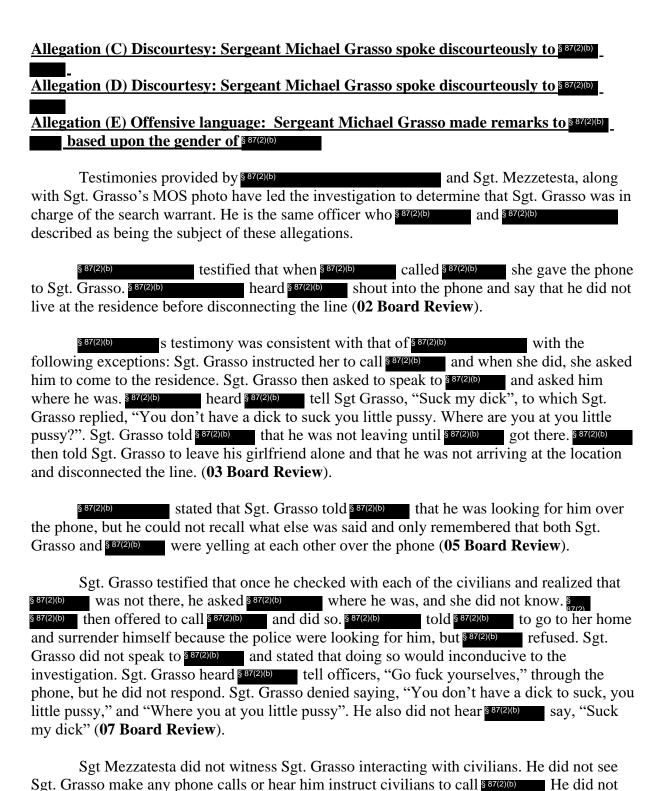
location, a storm gate and a regular door. He instructed his team to breach both doors and enter the location. When his team entered the location, he entered with them and stood to the side of what appeared to be the living room of the home. His team then secured the location and left the location as Sgt. Grasso and his team entered the home. Sgt. Mezzatesta waited outside of the home until Sgt. Grasso and his team were finished with the search. He also did not know which specific areas of the home his team entered. Neither his team nor he searched the location (08 Board Review).

| When §87(2)(b) asked who was in charge of the search, an officer pointed to | a |
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| White male officer who was 6'0" tall and had a big belly (02 Board Review). §87(2)(b) | |
| testified that when she asked who was in charge of the search, an officer pointed to a White | |
| heavy-built male who was approximately 180 pounds and approximately 30-40 years old. | 2) |
| also noted that this officer had a large stomach (03 Board Review). According to | _ |
| their statements, this is the same officer who later presented § 87(2)(b) and and § 37(2) | |
| with the search warrant to sign. Although Sgt. Grasso testified that he was reassigned | d |
| from supervisor to rear security for the search (07 Board Review), Sgt Mezzatesta testified | |
| that Sgt. Grasso was in charge of the team who conducted the search (08 Board Review). | |
| Additionally, Sgt. Grasso's MOS photo describes him as a heavy-built White male who is | |
| 6'2" tall, \$87(2)(b) -old and weighs 315 pounds (09 Board Review). He closely matches the | |
| descriptions as provided by § 87(2)(b) and § 87(2)(b) § 87(2)(g) | |
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New York CPL §690.30 states that a search warrant must be executed within ten days of issuance and within the hours of 6:00 a.m. and 9:00 p.m. (**10 Board Review**). New York CPL §690.50 states that officers are permitted, when necessary, to use force to enter a dwelling to execute a search warrant (**11 Board Review**).

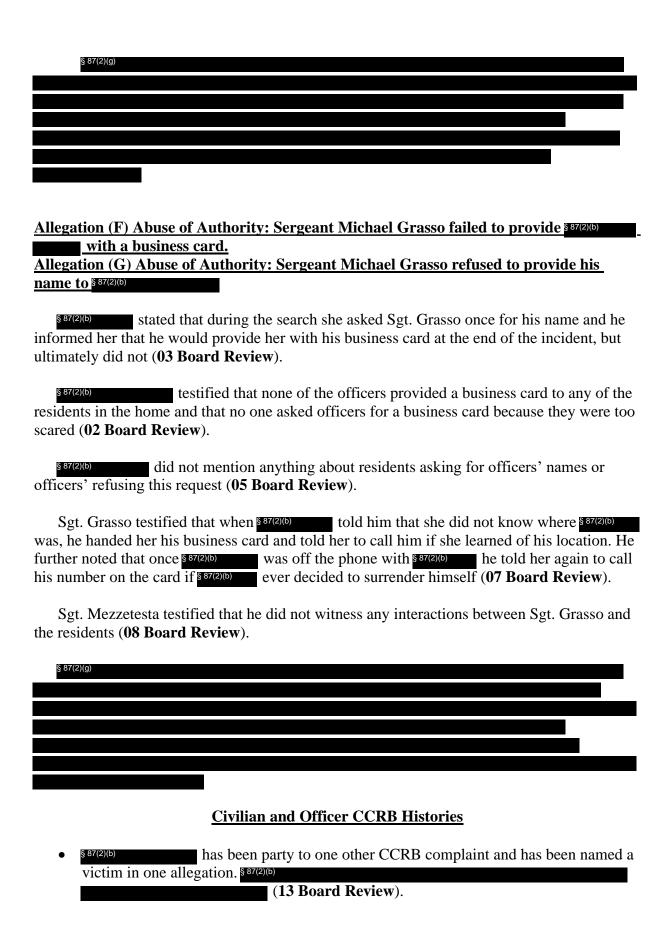
Dockery v. Tucker (2006 U.S. Dist. 97826) clarifies that officers executing search warrants on occasion must damage property in order to perform their duties, but that the damage must be deemed reasonable and not unnecessary, excessive destruction of property (12 Board Review).

| § 87(2)(g) | |
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hear Sgt. Grasso or any other officer ask someone on the phone about their whereabouts nor

did he hear any officer make the alleged statements (**08 Board Review**).



- This is the first complaint to which \$87(2)(b) Cellavos, and \$87(2)(b) have been parties (14 Board Review).
- Sgt. Grasso has been a member of service for fifteen years and has been a subject in one other CCRB complaint and one allegation, which was not substantiated.

| | Mediation | n, Civil and Criminal Histories | |
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| | se was not suitable for | mediation. | |
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| Claim visearch confisc and em disciplicustom civil rigand of | ation of property; racia otional distress; employine; and retention of emotion of deliberate indifferent and immunities seconds. | ork on \$87(2)(b) , claiming prisonment; emotional injury; destruct discrimination; intentional infliction yee negligence; negligent hiring, trainaployment services amounting to a ponce to a civil and constitutional rights cured by the constitution and laws of (16 Board Review). A 50H hearing | n or severe mental ning, supervision, olicy, practice of s, and violation of the United States |
| Squad No.: | 3 | | |
| Investigator: | Tileyah Williams Signature | Investigator Tileyah Williams Print Title & Name | 11/18/2020 Date |
| Squad Leader: | Olga Golub Signature | SL Olga Golub Print Title & Name | 11/18/2020 Date |
| Reviewer: | Signature | Print Title & Name | Date |